

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES C. MESELSON, on behalf of himself
and all others similarly situated,

Plaintiff,

- against -

JEFFREY G. LERMAN and JEFFREY G.
LERMAN, P.C.,

Defendants.

**NOTICE OF MOTION
TO CERTIFY ORDER
FOR INTERLOCUTORY
APPEAL PURSUANT TO
28 U.S.C. 1292(b)**

Case No. Civ. 06-4115
(ADS) (AKT)

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PLEASE TAKE NOTICE, that upon the memorandum of law in support of defendants' motion to certify the Court's April 11, 2007 order for interlocutory appeal dated April 25, 2007 and the pleadings and proceedings heretofore had herein, defendants Jeffrey G. Lerman and Jeffrey G. Lerman, P.C. will move this Court, pursuant to 28 U.S.C. Section 1292(b) before the honorable Arthur D. Spatt, United States District Judge, at the Alfonse M. D'Amato U.S. Courthouse, 1020 Federal Plaza, Central Islip, NY 11722, for an Order certifying this Court's order dated April 11, 2007 for interlocutory appeal to the Second Circuit, and awarding such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that all papers in opposition to the within motion, including opposing affidavits and answering memoranda, must be served upon the undersigned in accordance with Rule 6 of the Federal Rules of Civil Procedure and Rule 6.1 of the Local Civil Rules for the Southern and Eastern Districts of New York.

Dated: Garden City, New York
April 25, 2007

MEYER, SUOZZI, ENGLISH & KLEIN, P.C.

By: /s/ Kevin Schlosser

Kevin Schlosser (KS 7406)

Robert C. Angelillo (RA 7782)

Attorneys for Defendants

990 Stewart Avenue – Suite 300

P.O. Box 9194

Garden City, New York 11530-9194

(516) 741-6565

kschlosser@msek.com

rangelillo@msek.com

TO: Brian L. Bromberg, Esq. (BB 6264)
BROMBERG LAW OFFICE, P.C.
Attorney for Plaintiff
40 Exchange Place, Suite 2010
New York, New York 10005

Lance A. Raphael, Esq. (LR 3625)
Stacy M. Bardo, Esq. (SB 4426)
Attorneys for Plaintiff
180 West Washington, Suite 700
Chicago, IL 60602